

109TH CONGRESS  
1ST SESSION

# H. R. 1313

To amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2005

Mr. MURPHY (for himself, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. CANTOR, Mr. KINGSTON, Mr. BONILLA, Mrs. BONO, Mr. SHAYS, Mr. FITZPATRICK of Pennsylvania, Mr. BURGESS, Mr. WALSH, Mr. BRADLEY of New Hampshire, Mr. NEUGEBAUER, Mr. GINGREY, and Mr. SHAD-EGG) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Community Health  
5       Center Volunteer Physician Protection Act of 2005”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds as follows:

1           (1) As there are over 45 million individuals  
2           lacking health insurance or have inadequate health  
3           care coverage in the United States, health centers  
4           under section 330 of the Public Health Service Act,  
5           including community health centers, are increasingly  
6           called upon to provide care to the uninsured and  
7           underinsured. While low-income individuals have ac-  
8           cess to Medicaid and the elderly and disabled have  
9           access to Medicare, such health centers offer an af-  
10          fordable alternative to costly emergency room care.

11          (2) These health centers are being challenged  
12          by increasing financial pressures that jeopardize  
13          their ability to provide access to health services for  
14          a number of large medically underserved popu-  
15          lations, including the elderly, the uninsured, and  
16          lower-income individuals.

17          (3) Granting volunteer physician liability cov-  
18          erage through the program under section 224(g) of  
19          the Public Health Service Act (relating to the provi-  
20          sions of title 28, United States Code, that are com-  
21          monly referred to as the Federal Tort Claims Act)  
22          would significantly increase the number of physi-  
23          cians available onsite at such health centers. Federal  
24          studies have concluded that by offering liability cov-  
25          erage, such centers are able to redirect funds to re-

1       cruit full-time physicians and provide needed health  
2       care services to their communities.

3           (4) In addition, an increase in volunteer physi-  
4       cians at the health centers will result in a direct im-  
5       provement in the ability of the centers to offer qual-  
6       ity health care services where the services are needed  
7       most.

8   **SEC. 3. HEALTH CENTERS UNDER PUBLIC HEALTH SERV-**  
9                   **ICE ACT; LIABILITY PROTECTIONS FOR VOL-**  
10                  **UNTEER PRACTITIONERS.**

11       (a) IN GENERAL.—Section 224 of the Public Health  
12   Service Act (42 U.S.C. 233) is amended—

13           (1) in subsection (g)(1)(A)—

14                   (A) in the first sentence, by striking “or  
15                   employee” and inserting “employee, or (subject  
16                   to subsection (k)(4)) volunteer practitioner”;  
17                   and

18                   (B) in the second sentence, by inserting  
19                   “and subsection (k)(4)” after “subject to para-  
20                   graph (5)”; and

21           (2) in each of subsections (g), (i), (j), (k), (l),  
22       and (m), by striking “employee, or contractor” each  
23       place such term appears and inserting “employee,  
24       volunteer practitioner, or contractor”.

1 (b) APPLICABILITY; DEFINITION.—Section 224(k) of  
2 the Public Health Service Act (42 U.S.C. 233(k)) is  
3 amended by adding at the end the following paragraph:

4 “(4)(A) Subsections (g) through (m) apply with re-  
5 spect to volunteer practitioners beginning with the first  
6 fiscal year for which an appropriations Act provides that  
7 amounts in the fund under paragraph (2) are available  
8 with respect to such practitioners.

9 “(B) For purposes of subsections (g) through (m),  
10 the term ‘volunteer practitioner’ means a practitioner who,  
11 with respect to an entity described in subsection (g)(4),  
12 meets the following conditions:

13 “(i) The practitioner is a licensed physician or  
14 a licensed clinical psychologist.

15 “(ii) At the request of such entity, the practi-  
16 tioner provides services to patients of the entity, at  
17 a site at which the entity operates or at a site des-  
18 ignated by the entity. The weekly number of hours  
19 of services provided to the patients by the practi-  
20 tioner is not a factor with respect to meeting condi-  
21 tions under this subparagraph.

22 “(iii) The practitioner does not for the provision  
23 of such services receive any compensation from such  
24 patients, from the entity, or from third-party payors  
25 (including reimbursement under any insurance pol-

- 1        icy or health plan, or under any Federal or State
- 2        health benefits program).”.

